

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JON JAMES,

Plaintiff,

vs.

COMMUNITY COLLEGES OF SPOKANE,  
et al.,

Defendants.

NO. CV-07-381-JLQ

**ORDER DENYING MOTION FOR  
RECONSIDERATION**

**BEFORE THE COURT** is the Plaintiff's Second Motion for Reconsideration (Ct. Rec. 41). The Ninth Circuit Court of Appeals has recently denied a petition for panel rehearing (Ct. Rec. 36) of this court's granting of the Defendants' Motion for Summary Judgment (Ct. Rec. 24), which was also affirmed by the Ninth Circuit (Ct. Rec. 35). Mr. James contends that the court has not addressed his separate, distinct Constitutional claims, namely that the witnesses, attorneys, and fact finders in his administrative hearing violated his Constitutional due process rights by committing perjury therein. Mr. James is simply reiterating arguments previously resolved in various state and federal court rulings.

"[A] motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." 389 *Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.1999). This remedy will only

1 be granted in extraordinary circumstances. *Liljeberg v. Health Serv. Acquisition Corp.*,  
2 486 U.S. 847, 864 (1988).

3 Mr. James has not argued that the controlling law relevant to this case has changed,  
4 new evidence has not been discovered, nor has he carried his *Liljeberg* burden of  
5 demonstrating clear error such that application of the extraordinary remedy afforded by  
6 Fed. R. Civ. P. 60(b) is warranted.

7 Accordingly,

8 **IT IS HEREBY ORDERED:**

9 1. The Plaintiff's Motion for Reconsideration (Ct. Rec. 41) is **DENIED**.

10 2. By reason of the denial of his appeal by the Ninth Circuit Court of Appeals,  
11 which had final jurisdiction in this matter, Mr. James shall file no further pleadings in  
12 this matter in this court.

13 The Clerk is hereby directed to enter this Order and furnish copies to the parties.

14 **DATED** this 27<sup>th</sup> day of October, 2009.

15 s/ Justin L. Ouackenbush  
16 JUSTIN L. QUACKENBUSH  
17 SENIOR UNITED STATES DISTRICT JUDGE  
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